

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DON OPPENHUIZEN,

Plaintiff,

vs.

EMAGIN CORPORATION, JILL J.  
WITTELS, ERIC BRADDOM, PAUL  
CRONSON, ELLEN RICHSTONE,  
ANDREW G. SCULLEY, and STEPHEN  
SEAY,

Defendants.

Case No.: 1:23-cv-5360-GHW

**MEMORANDUM ENDORSED**

**NOTICE OF VOLUNTARY DISMISSAL  
PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Notice is hereby given that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, plaintiff Don Oppenhuizen ("Plaintiff") voluntarily dismisses his claims in the above captioned action without prejudice. This notice of dismissal is being filed before service by Defendants of either an answer or a motion for summary judgment. Plaintiff's dismissal of this Action is effective upon filing of this notice.

Dated: October 5, 2023

**BRODSKY & SMITH**

By: Evan J. Smith

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*Attorneys for Plaintiff*

Plaintiff has voluntarily dismissed this case without prejudice under F.R.C.P. 41(a)(1)(A)(i). The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: October 5, 2023

GREGORY H. WOODS  
GREGORY H. WOODS  
United States District Judge